

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

AUG 05 2004

MICHAEL W. DOBBINS  
CLERK, U. S. DISTRICT COURT

STEVEN MANNING,

Plaintiff,\fp

-vs-

TOMMY DYE, et al.,

Defendants.

No. 02 CV 372

(Judge Kennelly)

**DOCKETED**

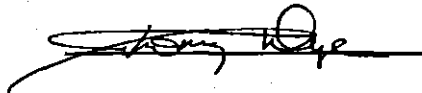
AUG 06 2004

**MOTION FOR APPOINTMENT OF COUNSEL**

Defendant Tommy Dye respectfully requests that the Court appoint counsel to represent him in this matter and suggests that the Court appoint the attorney who previously represented defendant in a civil rights matter in this district, Dye v. Chicago, No. 90 C 7148.

Grounds for this motion are set out in the attached affidavit.

Respectfully submitted,



Tommy Dye, #3136129  
Vista Detention Facility  
325 South Melrose Drive  
Suite 200  
Vista, CA 92083-6627

FILED

AUG 05 2004

SWORN DECLARATION OF TOMMY DYEMICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

The undersigned, under penalties of perjury, certifies that the following statements are true:

1. My name is Tommy Dye. I am the first named defendant in Manning v. Dye.

2. I have read some of the pleadings in the lawsuit and I have personal knowledge of some of the facts that are in dispute.

3. I have been incarcerated for more than two years and I do not have any income, or savings, or valuable possessions.

4. I am represented by appointed counsel in the criminal prosecution that is presently pending against me.

5. In recent months, attorneys representing various parties in Manning v. Dye have sought to communicate with me about my knowledge of the disputed facts. I am very concerned about my personal safety and I have to date declined to answer questions about my knowledge of the disputed facts in Manning v. Dye.

6. I have consulted by telephone with attorney Kenneth N. Flaxman, who represented me in 1990 in a case against the City of Chicago, Dye v. Chicago, No. 90 C 7148. Mr. Flaxman, who has to date accepted three of my collect calls, has suggested that I ask the Court to appoint counsel to represent me and has told me that he would accept the appointment. I asked Mr. Flaxman whether the Court would pay him for his services and he told me that reimbursement from

DOCKET

AUG 06 2004

the Court would be limited to a maximum of two thousand dollars for reimbursement for approved litigation expenses.

7. These papers have been drafted for me by Mr. Flaxman.

Dated: August 4, 2004

**AFFIDAVIT OF SERVICE**

The undersigned, under penalties of perjury, certifies that he mailed a copy of the foregoing to John Loevy, Loevy & Loevy, 312 North May Street, Suite 100, Chicago, IL 60607, Eileen Rosen, Assistant Corporation Counsel, 30 N LaSalle St., Ste 1400, Chicago, Illinois 60602, Mark Egan, Norton, Mancini, Weiler & DeAno, 109 N Hale Wheaton, IL 60187, Jonathan C. Haile, AUSA, United States Attorney's Office, 219 S Dearborn Street, Chicago, IL 60604, by placing a copy into a properly addressed envelope and giving it to the jail officials officials at Vista Detention Facility, 325 South Melrose Drive, Suite 200, Vista, CA 92083-6627, this 4 day of August, 2004.

  
Tommy Dye